
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

: Hon. Lois H. Goodman

v.

: Mag No. 12-4512

JOSEPH VITALE

: **CRIMINAL COMPLAINT**

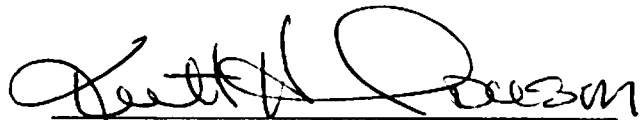
I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about February 13, 2012, in Mercer County, in the District of New Jersey and elsewhere, the defendant JOSEPH VITALE:

SEE ATTACHMENT A

I further state that I am a Deputy U.S. Marshal with the United States Marshal's Service, and that this complaint is based on the following facts:

SEE ATTACHMENT B


continued on the attached page and made a part hereof.



Keith Holland, Deputy U.S. Marshal
United States Marshal's Service

Sworn to before me and subscribed in my presence,
this 23rd day of February, 2012, at Trenton, New Jersey

HONORABLE LOIS H. GOODMAN
UNITED STATES MAGISTRATE JUDGE


Signature of Judicial Officer

ATTACHMENT A

COUNT ONE

Did knowingly escape and attempt to escape from the custody of the Attorney General and his authorized representative, which custody was by virtue of conviction for an offense in the United States District Court for the District of New Jersey, in violation of Title 18 United States Code, Sections 751(a); and

COUNT TWO

Did knowingly forcibly assault, resist, oppose, impede, intimidate, and interfere with persons designated in Title 18, United States Code, Section 1114, namely, persons assisting officers and employees of the United States Marshal's Service, while such persons were engaged in the performance of their official duties, by engaging in acts involving physical contact and with the intent to commit another felony, that is, escape, in violation of Title 18, United States Code, Section 111(a)(1).

ATTACHMENT B

I, KEITH HOLLAND, am a Deputy U.S. Marshal with the United States Marshal's Service. I am fully familiar with the facts set forth herein based on my own investigation, my conversations with witnesses and other law enforcement officers, and my review of reports, documents, and items of evidence. Where statements of others are related herein, they are related in substance and part. Since this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged:

1. On or about March 12, 2008, in the United States District Court for the District of New Jersey, the defendant JOSEPH VITALE (hereinafter "defendant VITALE") was convicted of bank fraud, in violation of 18 U.S.C. § 1344, and sentenced to a term of imprisonment and committed to the Federal Bureau of Prisons to serve that sentence.

2. On or about April 24, 2009, defendant VITALE was released from the Federal Bureau of Prisons and commenced a five-year term of supervised release.

3. On or about January 12, 2012, defendant VITALE appeared before United States Magistrate Tonianne Bongiovanni for an initial appearance on allegations by the U.S. Probation Office that defendant VITALE had violated several conditions of his supervised release. Defendant VITALE was released on a \$10,000 personal recognizance bond with conditions, pending a violation of supervised release hearing.

4. On or about January 12, 2012 and January 14, 2012, defendant VITALE was arrested in two separate driving while intoxicated incidents. Based on these arrests, Judge Bongiovanni issued a letter order dated January 17, 2012 revoking defendant VITALE's bail and ordering that he be taken into custody.

5. On or about February 7, 2012, pursuant to Judge Bongiovanni's letter order, defendant VITALE was arrested by the United States Marshal's Service.

6. On or about February 10, 2012, defendant VITALE appeared before Judge Bongiovanni for an initial appearance. Defendant VITALE was detained without bail and remanded to the custody of the U.S. Marshal, pending a violation of supervised release hearing. Soon after the initial appearance, defendant VITALE complained of chest pains and was taken by deputy U.S. Marshals to St. Francis Medical Center in Trenton, New Jersey ("the Hospital") where he was admitted for observation. At the Hospital, the Deputy U.S. Marshals gave custody of defendant VITALE to armed security guards employed by United Security, Inc., a privately owned security service under contract with the U.S. Marshal to provide security for federal prisoners while under treatment at the Hospital. Defendant VITALE then remained under 24-hour armed guard in the Hospital by two employees of United Security, Inc.

7. On or about February 13, 2012, as one of the security guards was adjusting defendant VITALE's leg restraints, defendant VITALE ran out of his room, evaded the two security guards, and ran down the hallway of the Hospital in an attempt to escape. As defendant VITALE ran down the hallway, he evaded at least one other individual who attempted to stop him.

8. The two security guards ran down the hallway after defendant VITALE and yelled at him to stop, but defendant VITALE continued to run away. At one point, defendant VITALE screamed "I'm getting the fuck out of here." The two security guards caught up to defendant VITALE and attempted to subdue him. As they attempted to do so, one of the security guards struck his knees on the floor. Defendant VITALE continued to struggle with the security guards and made several attempts to grab one of their guns, but he was unable to remove it from its holster.

9. Eventually, with the assistance of at least one other individual, the security guards were able to subdue defendant VITALE and handcuff him. Defendant VITALE told at least one Hospital employee that he had a plan to escape, but that he ran the wrong way.